

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. A Request for Continued Examination is concurrently submitted to enable entry of this amendment.

Claims 1, 8, 12, and 19 are amended, and claims 1-25 are pending in the application.

Claims 1, 6, 8, 12, 17-19, and 24-25 were rejected under §102(e) in view of Tverskoy et al. Claims 2-5, 9-11, 13-16, and 20-23 were rejected under §103 in view of Tverskoy et al. and Luzeski et al. These rejections should be withdrawn for the reasons set forth below.

First, the Final Action mischaracterizes the teachings of Tverskoy et al. as disclosing a “voice messaging system”. However, Tverskoy et al. discloses an answering machine: see the title, the abstract, description of the answering machine 12 throughout that specification and the patent claims. In contrast, the claims specify outputting a recorded message for transfer to a destination voice mailbox accessible by a voice messaging system.

The independent claims have been amended to more precisely specify that the voice messaging system is configured for storing voice messages for a plurality of voice messaging subscribers. Tverskoy et al., however, discloses an “answering machine” having a single owner (regardless of the assertion in the Final Action that an “owner” reads on the claimed subscriber), and does not disclose or suggest the claimed arrangement for a voice messaging system configured for serving a plurality of subscribers.

Moreover, Tverskoy et al. teaches that “any e-mail messages generated at step 64 are sent to the user’s own e-mail account.” The independent claims, however, specify that the the data

Amendment filed August 29, 2003

Appln. No. 09/771,926

Page 8

file including the voice message is output to a destination voice mailbox, accessible by the voice messaging system, for a corresponding one of the voice messaging subscribers distinct from the calling party.

Hence, the claims as amended specify that the voice message can be sent to a voice mailbox of a voice messaging subscriber distinct from the calling party, enabling the sending of voice messages to any voice messaging subscriber without initiating a voice messaging session with the messaging system.

Hence, the independent claims 1, 8, 12, and 19 are patentable over Tverskoy et al.

Regarding 2-5, 9-11, 13-16, and 20-23, Luzeski et al. neither discloses nor suggests the claimed outputting of a data file, recorded using G.711, G.729, or GSM, to a destination voice mailbox. Rather, Luzeski et al. teaches in Figure 4D (and col. 20, lines 23-45) that voice messages can be retrieved using a streaming media connection, and in Figure 4G that voice messages can be sent using a CMC API that specifies G.711 encoding (col. 24, Appendix re: “CMC\_CT\_BASIC\_AUDIO”) to a destination e-mail user (see col. 21, lines 20-43).

However, neither Tverskoy et al. nor Luzeski et al. disclose, singly or in combination, outputting a voice message to a destination voice mailbox accessible by a voice messaging system for a voice messaging subscriber that is distinct from the calling party.

For these and other reasons, the claims are patentable over the applied prior art. Hence, the §102 and §103 rejections should be withdrawn.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R.

Amendment filed August 29, 2003

Appln. No. 09/771,926

Page 9

1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a) or 1.17(e), to Deposit Account No. 50-1130, under Order No. 95-454, and please credit any excess fees to such deposit account.

Respectfully submitted,



Leon R. Turkevich  
Registration No. 34,035

Customer No. 23164  
(202) 261-1059  
**Date: August 29, 2003**

Amendment filed August 29, 2003  
Appln. No. 09/771,926  
Page 10